



## **AIR CONTAMINANT DISCHARGE PERMIT ATTACHMENT REVIEW REPORT EMERGENCY STATIONARY R.I.C.E.**

### SOURCE DESCRIPTION AND QUALIFICATION

1. This ACDP Attachment is designed to regulate air contaminant emissions from emergency stationary reciprocating internal combustion engines (RICE), subject to 40 CFR Part 63 subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines either alone or in combination with 40 CFR Part 60 subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines or 40 CFR Part 60 subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, as adopted under OAR divisions 238 and 244.

DEQ issues General permits and permit attachments to source categories as a time and resource saving measure. This saves agency resources because the requirements are the same for all facilities that apply, and qualify, for the attachment. It takes substantially more time to write individual permits and modifications. By carefully drafting qualification conditions which clearly establish what types of equipment and activities are appropriately regulated by the attachment, DEQ can appropriately include applicable requirements and significantly expedite the permitting process without reducing environmental protection.

2. This ACDP Attachment only applies to a source that meets the following requirements:
  - a. The permittee uses an emergency engine(s) to provide electrical power or mechanical work during emergency situations. Examples include stationary Reciprocating Internal Combustion Engines used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is unexpectedly interrupted, or stationary RICE used to pump water in the case of fire or flood, etc.
  - b. The facility is already regulated by a ACDP that does not contain requirements for emergency engines;
  - c. The source is considered an area source of hazardous air pollutants;
  - d. The aggregate horsepower rating of all stationary emergency engines and pump engines at the source is less than or equal to 3,000 horsepower (hp);
  - e. No emergency engine at the source is equipped with emission controls, such as diesel particulate filters, 3-way catalysts, or selective noncatalytic reduction, to meet any

- applicable emission limitations;
- f. The permittee does not utilize an oil analysis program in order to extend the oil change requirements;
  - g. The permittee does not use any emergency engines or firewater pumps for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity;
  - h. For all emergency stationary RICE subject to 40 CFR Part 60 subpart IIII:
    - i. Engine displacement must be less than 30 liters per cylinder; and
    - ii. The engine must be certified by the manufacturer to meet applicable emission limitations under 40 CFR Part 60 subpart IIII engine fuel use, except as allowed by rule; and
    - iii. The engine must be installed and configured according to the manufacturer's emission-related specifications.
  - i. For all emergency stationary RICE subject to 40 CFR Part 60 subpart JJJJ:
    - i. Engine power must be greater than 25 hp; and
    - ii. The engine must be certified by the manufacturer to meet applicable emission limitations under the 40 CFR Part 60 subpart JJJJ for engine fuel use, except as allowed by rule.
3. Facilities assigned to this ACDP Attachment must not emit any other air pollution that requires regulation beyond that specified in this ACDP Attachment, except for other pollution emissions permitted through the ACDP, issued under OAR 340 division 216. Facilities with reoccurring or serious compliance issues, as determined by DEQ, may not be eligible for assignment to this ACDP Attachment.

### ASSESSMENT OF EMISSIONS

4. Emergency engines at facilities assigned to this ACDP Attachment are sources of combustion-related pollutants. The primary combustion-related pollutants are carbon monoxide (CO) and nitrogen oxides (NO<sub>x</sub>) emissions. Emergency engines are also sources of particulate matter (PM), PM<sub>10</sub> (particulate matter no greater than 10 microns), PM<sub>2.5</sub> (particulate matter no greater than 2.5 microns), volatile organic compounds (VOC), sulfur dioxides (SO<sub>2</sub>) and hazardous air pollutant (HAP) emissions.

The ACDP Attachment authorizes the permittee to have stationary emergency engines and pump engines whose aggregate horsepower rating is not more than 3,000 horsepower. The emissions units covered by this ACDP Attachment are considered categorically insignificant activities under OAR 340 division 200. Under OAR 340-222-0035(5), PSELs exclude emissions from categorically insignificant activities.

5. DEQ has assessed these emissions units based on a limit of 100 hours of operation per calendar year as allowed under the ACDP Attachment and determined that facilities complying with these limitations will remain area sources of HAPs.

## SPECIFIC AIR PROGRAM APPLICABILITY

6. Emergency engines at facilities assigned to this ACDP Attachment are subject to visible emissions standards under OAR 340 division 208, the particulate emission limitations under OAR 340 division 226, and nuisance requirements (control of fugitive dust and odors) in OAR 340 division 208. The ACDP Attachment contains requirements and limitations to ensure compliance with these standards.

The ACDP Attachment incorporates regulations from 40 CFR Part 63 subpart ZZZZ. EPA promulgated this NESHAP on June 15, 2004<sup>1</sup>. The regulation and subsequent revisions to NESHAP ZZZZ through January 1, 2025 are adopted by reference in OAR 340 division 244 for sources required to obtain an Air Contaminant Discharge Permit or Title V Operating Permit. Existing commercial and institutional emergency stationary RICE located at an area source of HAP emissions that do not operate for the purpose specified in § 63.6640(f)(4)(ii) are not subject to NESHAP ZZZZ.

Any engine that is subject to 40 CFR Part 63 subpart ZZZZ need only meet the requirements of [40 CFR Part 60 subpart IIII](#), for compression ignition engines or [40 CFR Part 60 subpart JJJJ](#), for spark ignition engines if they meet certain criteria. Many of the criteria are for RICE at major sources of HAP emissions. The only criteria for engines eligible for this ACDP are new or reconstructed stationary RICE located at an area source. No further requirements apply for such engines under this part. [40 CFR 63.6590(c)]

40 CFR 63.6590 requires new or reconstructed engines located at an area source to meet the requirements of 40 CFR Part 63 subpart ZZZZ by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part. But permittees who operate new emergency stationary RICE have no substantive requirements under NSPS IIII or NSPS JJJJ, as applicable. In order to ease the permitting burden of these new or reconstructed engines, they must comply with Condition 2.0 of the ACDP Attachment rather than obtaining a permit modification. This includes engines subject to NSPS JJJJ that are equal to or below 25 horsepower as one example. DEQ has included this requirement in a condition called “NSPS Engines Without Substantive Requirements” in the ACDP Attachment.

7. The ACDP Attachment incorporates regulations from 40 CFR Part 60 subpart IIII. EPA promulgated this final NSPS on July 11, 2006<sup>2</sup>. The regulation and subsequent revisions to NSPS IIII through January 1, 2025 are adopted by reference in OAR 340 division 238

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<sup>1</sup> <https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0>

<sup>2</sup> <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-compression-ignition-internal-0>

for sources required to obtain an Air Contaminant Discharge Permit or Title V Operating Permit and specifically excludes all requirements applicable to engine manufacturers.

8. The ACDP Attachment incorporates regulations from 40 CFR Part 60 subpart JJJJ. EPA promulgated this final NSPS on January 18, 2008<sup>3</sup>. The regulation and subsequent revisions to NSPS JJJJ through January 1, 2025 are adopted by reference in OAR 340 division 238 for sources required to obtain an Air Contaminant Discharge Permit or Title V Operating Permit and specifically excludes all requirements applicable to engine manufacturers.
9. NAAQS Compliance: Sources assigned to this ACDP Attachment typically operate their engines as needed. DEQ has included a requirement to operate only one engine at a time for maintenance checks and readiness testing and is confident that in most cases, the permit will be protective of the NAAQS. This determination is based on previous modeling conducted for facilities that have more, and larger, engines on site.
10. Cleaner Air Oregon Compliance: Emergency engines are considered toxic emissions units (TEUs) subject to CAO. TEUs that solely combust natural gas, propane, and liquefied petroleum gas are subject to the gas combustion exemption under OAR 340-245-0050(5). Under this exemption, the risk of toxic air contaminants (TACs) emitted from TEUs is calculated but is excluded from the total risk when determining compliance with Risk Action Levels under CAO. TEUs that solely combust diesel or gasoline are not allowed an exemption under CAO rules. Gasoline-fired emergency engines are typically small units whose TAC emissions are minimal and not expected to materially contribute to facility risk. Diesel-fired emergency engines are expected to contribute to facility acute risk due to the toxicity of diesel particulate matter (DPM) and polycyclic aromatic hydrocarbons (PAHs) emitted. DEQ has included a requirement that diesel-fired emergency engines must not be operated for maintenance checks and readiness testing for more than two (2) hours in any 24-hour period to reduce their contribution to acute risk. All emergency engines are limited to a maximum of 100 hours per calendar year for maintenance checks and readiness testing, which reduces their contribution to chronic risk. There is no limit on hours of operation during an emergency situation.
11. Oil Analysis Program. NESHAP ZZZZ (40 CFR 63.6625(i)) provides an option for permittees to utilize an oil analysis program to extend the deadline by which oil changes must be completed. DEQ records indicate that this is rarely, if ever, used by permittees in Oregon. The option to utilize an oil analysis program is not included in this permit. Permittees that would like to utilize this provision to extend the oil and filter change requirements must have the requirements included in a modified Simple or Standard ACDP, if applicable.

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<sup>3</sup> <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-spark-ignition-internal-combustion-0#:~:text=The%20New%20Source%20Performance%20Standards%20%28NSPS%29%20for%20Stationary.regulatory%20actions%20that%20have%20formed%20the%20current%20regulation%3A>

12. Non-resettable Hour Meter: Each regulation (NESHAP ZZZZ, NSPS IIII, NSPS JJJJ) includes various applicability for installing a non-resettable hour meter. For simplicity, consistency across permittees, and accuracy of recordkeeping and reporting, DEQ has added a requirement for all engines to have a non-resettable hour meter.

### COMPLIANCE ASSURANCE

13. Permittees are required to maintain the following records related to emergency engines, as applicable:
  - a. Documentation of all maintenance and inspections performed on each engine;
  - b. Hours of operation including how many hours are spent for emergency operation, what classified the operation as emergency, and how many hours are spent for non-emergency operation; and
  - c. Total hours of operation during any single day that maintenance checks and readiness testing is conducted for each diesel-fired emergency engine or fire pump.
14. DEQ regularly reviews submittals and performs site inspections of permitted facilities in all counties in Oregon, except for Lane County.
15. Permittees assigned to this ACDP Attachment are not required to submit a Notice of Construction application for the emergency engine(s) regulated by this Attachment. If the permittee wants to install any subsequent emergency engines that meet the criteria of this Attachment, the permittee need only submit a Notice of Construction and not a permit modification application. This ACDP Attachment provides approval of operation of all emergency engine(s) if the aggregate horsepower of the emergency engines is not more than 3,000 horsepower.

### FEES

16. Initial assignment to a ACDP Attachment is the Simple Technical Modification Fee in OAR 340-216-8020 Table 2 Part 4. There is no additional annual fee for the ACDP Attachment as the annual fees would cover the Attachment.

### REVOCAION OF ASSIGNMENT

17. Any facility that fails to demonstrate compliance, generates complaints, or fails to conform to the requirements and limitations contained in the ACDP Attachment may have its assignment to the ACDP Attachment revoked. If assignment to the ACDP Attachment is revoked, the facility must immediately apply for a permit modification to their ACDP.

### PUBLIC NOTICE

18. ACDP Attachments are allowed under DEQ Rules and Regulations and are part of the State Implementation Plan. As part of the public notice process, the public was provided

30 days to submit written comments (11/05/2025 - 12/05/2025) on the proposed Attachment. DEQ reviewed all comments and did not modify the ACDP Attachment but modified the Review Report in response to the comments. The final ACDP Attachment will be issued after approval by the DEQ Air Quality Division Administrator.

## DEFINITIONS

19. The terms not defined in the ACDP Attachment use the definitions found in OAR 340-200-0020, 40 CFR Part 60 subpart IIII, 40 CFR Part 60 subpart JJJJ, or 40 CFR Part 63 subpart ZZZZ.

## HELPFUL INFORMATION ABOUT YOUR PERMIT ATTACHMENT

The following is a concise summary of the permit requirements. All permittees should carefully read the whole permit attachment and comply with all the detailed applicable requirements.

- All permittees who own and operate emergency stationary compression ignition RICE must do the following within one year plus 30 days of the previous inspection or the time frames below, whichever comes first:
  - Change the oil and filter every 500 hours of operation;
  - Inspect the air cleaner every 1,000 hours of operation; and
  - Inspect all hoses and belts every 500 hours of operation.
- All permittees who own and operate emergency stationary spark ignition RICE must do the following within one year plus 30 days of the previous inspection or the time frames below, whichever comes first:
  - Change the oil and filter every 500 hours of operation;
  - Inspect the spark plugs every 1,000 hours of operation; and
  - Inspect all hoses and belts every 500 hours of operation.
- All permittees must operate and maintain the emergency stationary RICE according to the manufacturer's written instructions.
- Any permittee operating an engine that uses diesel fuel must only use ultra-low sulfur diesel.
- Any permittee operating an engine that uses gasoline must use only gasoline that meets a sulfur average standard of 10.00 ppm.
- All permittees must install a non-resettable hour meter on each stationary RICE and record all hours of operation and the purpose of that operation.
  - Non-emergency operation is limited to 100 hours/year.
  - Non-emergency operation cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.
- The permittee must only operate one engine at a time for the purposes of maintenance checks and readiness testing but can test two or more engines concurrently when the testing is for components or systems which are responsible for, or associated with, initiating the startup of multiple engines at the same time to verify proper operation or ensure functionality.

- The permittee must not operate any diesel-fired emergency engine for readiness checks and maintenance testing for more than two (2) hours in any 24-hour period or day.
- All permittees must minimize the engine's time spent at idle during startup and minimize the engine's startup time.
- All permittees must keep records of operation and maintenance for five years and submit annual reports.

JJW:JSI:DRD 12/18/2025



# ACDP Attachment – Engines 01. Stationary Emergency Reciprocating Internal Combustion Public Comments and DEQ Responses

## Background

The Oregon Department of Environmental Quality invited the public to submit written comments on the conditions of a proposed amended air quality general permit for stationary emergency engines, known officially as the Simple/Standard Air Contaminant Discharge Permit Attachment for Emergency Stationary RICE. The public comment period was open from 11/05/2025 through 12/05/2025.

Copies of the comments in full can be requested by reaching out to Jill Inahara of DEQ's Air Quality Operations section by email at [jill.inahara@deq.oregon.gov](mailto:jill.inahara@deq.oregon.gov).

## Public comment

DEQ received written comments from one commenter that are summarized below. DEQ responses follow each comment.

### Comment 1: Maurice Reintjes

There is no purpose statement for this draft regulation. What problems is this regulation solving? Lowering air pollutants? Lowering emissions is best done at the federal level, to eliminate a patchwork of different regulations particularly for pollutants that can cross state lines. In general backup generators for Single Family Residences (SFRs) and community water systems < 150kW should not be regulated at the local level.

### DEQ Response

Thank you for providing comments on this permit action. This is not a regulatory action. It is a proposed permit attachment for emergency engines for facilities that are required to obtain a permit. The permit attachment is not for residences, but rather for owners and operators of engines who are already subject to regulation.

Permittees are not required to reduce emissions but to minimize emissions by operating and maintaining the emergency engines consistent with safety and good air pollution control practices. The commenter is correct in that EPA regulates emissions from engines at the federal level.

DEQ did not change the draft permit in response to these comments but added clarification to the Review Report.

### Comment 2: Maurice Reintjes

Maintenance schedules. As proposed, these are more stringent than generator manufacturers and would likely result in MORE environmental waste in the form of used filters and motor oil. *Use the manufacturers' guidance here to reduce environmental waste.*

### **DEQ Response**

The maintenance schedules included in the permit attachment are the minimum required according to federal regulations [NSPS IIII](#), [NSPS JJJJ](#), and [NESHAP ZZZZ](#), which have been adopted as state law in Oregon Administrative Rules chapter 340 divisions [238](#) and [244](#). Nothing in the permit stops a facility from doing additional maintenance activities when necessary. DEQ did not change the draft permit in response to this comment.

### **Comment 3: Maurice Reintjes**

Please exempt SFRs and community water systems, communication equipment and the like, which use standby < 150kW generators, from these proposed permit requirements.

### **DEQ Response**

This document is providing an alternative permitting pathway for owners and operators of these engines who are already (or will be) subject to regulatory oversight and permitting. DEQ cannot exempt equipment that are required to be regulated, regardless of the purpose for that equipment. DEQ did not change the draft permit in response to this comment.

### **Comment 4: Maurice Reintjes**

Consider separating the requirements for gaseous fuel generators from liquid fuel generators. Gaseous fueled generators emit far fewer hazardous pollutants than Diesel or Gasoline fueled generators, whether spark or compression ignition due to the shorter chain fuel molecules that contain less carbon than liquid fuels.

### **DEQ Response**

The requirements for gaseous fuels and liquid fuels are substantially similar. Federal regulations distinguish between compression ignition (typically diesel fired) and spark ignition (typically gasoline, natural gas, or propane fired). DEQ provided the same distinction in the permit to align with applicable federal regulations. Separate permits for each facility with emergency engines that burn gaseous or liquid fuels would be almost identical and requires substantially more staff time to issue.

DEQ reviewed the draft permit in response to this comment requesting further separation of gaseous and liquid fuel burning engines. In response to this comment, DEQ is revising several incorrect cross references for NSPS IIII and JJJJ (compression ignition and spark ignition respectively) and adding two that were omitted but otherwise believes the current level of separation of these engine types in the permit is appropriate. DEQ did not change the draft permit in response to this comment.

### **Translation or other formats**

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